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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------|------------------|
| 10/808,574 | 03/25/2004 | Arkady Glukhovsky | P-5817-US | 5076 |
| 49443 | 7590 | 11/28/2006 | EXAMINER . | |
| PEARL COHEN ZEDEK, LLP PEARL COHEN ZEDEK LATZER, LLP 1500 BROADWAY 12TH FLOOR NEW YORK, NY 10036 | | | SMITH, PHILIP ROBERT | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3739 | |

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,574

Applicant(s)

GLUKHOVSKY, ARKADY

Examiner

Philip R. Smith

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 21-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

- [01] A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/24/2006 has been entered.

Specification

- [02] The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

- [03] The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- [04] Claims 11-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Gross (2004/0253304).
- [05] With regard to claims 11,13,15-20: . An ingestible imaging device comprising:
- [05a] a substantially spherical imaging device (comprising "sheath 34," [0352], and "camera 242," [0473]); and a detachable appendage ("water-soluble plug 29,"[0364]). The detachable appendage is inherently degradable and pH sensitive. The detachable appendage anticipates dissolvable glue. The

detachable appendage inherently has an outer coating, which is inherently semi-permeable, and an internal filling.

[06] With regard to claim 12: Iddan (5,604,531), which is incorporated into Gross (as directed in [0039]), discloses an illumination source ("light source 20," 3/29) and a transmitter ("transmitter 28," 3/31). The illumination source inherently has intensity that is adjustable in vivo.

[07] With regard to claim 14: Gross discloses a ballast weight.

Claim Rejections - 35 USC § 103

[08] The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

[09] Claims 1-2,4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross in view of Crowley (6,321,418).

[10] With regard to claims 1,2,5-9,11: Gross discloses an in-vivo device comprising:

[10a] a housing ("sheath 34," [0352]), said housing comprising a sensor ("camera 242," [0473]); and a detachable appendage ("water-soluble plug 29," [0364]). The detachable appendage is inherently degradable and pH sensitive. The detachable appendage anticipates dissolvable glue. The detachable appendage inherently has an outer coating, which is inherently semi-permeable, and an internal filling.

[11] Gross does not disclose that the housing is spherical.

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[12] Crowley discloses that "[r]andom orientation is provided by utilizing [a] sphere shaped capsule" (8/15-16). At the time of the invention, it would have been obvious to a person of ordinary skill in the art that the device disclosed by Gross be spherical. A skilled artisan would be motivated to do so in order to enable "random orientation."

[13] With regard to claim 4: Gross discloses that the housing includes a viewing window ("viewing window 22," 3/29-30, Iddan (5,604,531), which is incorporated into the Gross reference as directed in [0039]).

Additional Claim Rejections - 35 USC § 103

[14] Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gross in view of Crowley.

[15] As noted above, Gross discloses an imager. Gross does not disclose that the imager is a CMOS imager.

[16] In reduction to practice, it is well-known in the art to use a CMOS sensor as an imager. A skilled artisan would be motivated to do so in order to provide digital video using familiar technology.

Response to Arguments

[17] Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

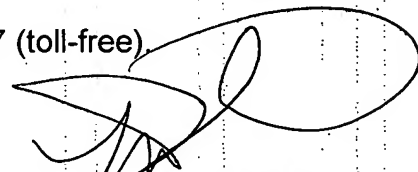
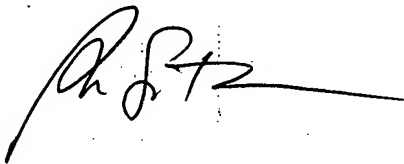
Conclusion

[18] Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Philip R. Smith whose telephone number is (571) 272 6087 and whose email address is philip.smith@uspto.gov. The examiner can normally be reached between 9:00am and 5:00pm.

[19] If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272 4764.

[20] Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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